

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	No. 3:22-cr-00327
v.)	
)	
)	Hon. Aleta Trauger
[1] CHESTER GALLAGHER)	
[2] HEATHER IDONI)	
[3] CALVIN ZASTROW)	
[4] COLEMAN BOYD)	
[6] PAUL VAUGHN)	
[7] DENNIS GREEN)	

OPPOSITION TO DEFENDANT’S MOTION TO EXCLUDE “EXHIBIT 15”

The United States of America, by and through the undersigned counsel, hereby submits the following response in opposition to Defendant Heather Idoni’s Motion to Exclude Exhibit 15 as Prejudicial Evidence. The statement by Defendant Idoni in Exhibit 15 is directly relevant to the charged offense, as it reflects her understanding of a critical term in the case—“rescue”—and admits what she and her co-conspirators did in this case. The statement by Defendant Idoni follows a post by the Facebook account registered to Defendant Coleman Boyd about the blockade at the clinic on March 5, 2021, titled “What Really Happened in Mount Juliet?” A user responds to the post asking, “Was this a red rose rescue?” Exhibit 15 reflects a portion of Defendant Idoni’s answer to that question. In this portion, Defendant Idoni describes the type of “rescue” that took place at the clinic on March 5, 2021, and how the actions there were different than what is done in a Red Rose Rescue, stating:

This was not a Red Rose Rescue We did not enter the waiting room, as in a traditional RRR. And RRR does not typically ever block entrances. The entrances inside the hallway were blocked and no moms had entered the waiting room during the time of peaceful interposition, which lasted over 2 hours.

The defense claims that Defendant Idoni “[c]learly . . . refer[s] to other ‘rescues’ or the Red Rose Rescue,” and thereby implicates the Court’s Rule 404(b) ruling. Heather Idoni Motion at 2, ECF No. 490. Rule 404(b) has no bearing on the admissibility of this evidence, however. Contrary to the motion, nothing in Idoni’s statement indicates that she or any other Defendant ever participated in a Red Rose Rescue or any other rescue. *See* Idoni Motion at 2 (mischaracterizing Idoni as referring to “*the* Red Rose Rescue”). It is clear from the face of the statement that Defendant Idoni is describing Red Rose Rescues in general and how what she and her co-conspirators did in this case differed, *i.e.*, that “[t]his was not *a* Red Rose Rescue,” and “[w]e did not enter the waiting room, as in *a* traditional [Red Rose Rescue].” Exhibit 15, ECF No. 490-1 (emphases added). That distinction, coupled with Ms. Idoni’s further admissions that “[t]he entrances inside the hallway [at Carafem] were blocked and no moms had entered the waiting room” set this statement apart from Court’s ruling on Rule 404(b) testimony by another witness “about three additional blockades . . . over a 17-month period in three different places (but not Mt. Juliet).” *See* Order Granting Motion to Exclude 404(b) at 3-4, ECF No. 352. Put succinctly, this is not evidence of a prior act that will be used to show propensity—it is a statement by a defendant in this case about what she and her co-conspirators did in this case. Defendant Idoni’s motion should be denied accordingly.

Respectfully submitted,

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CERTIFICATE OF THE SERVICE

I certify that a true and correct copy of the foregoing was filed electronically and served electronically, via the CM/ECF electronically filing system on this 23rd day of January, 2024, upon the following:

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